Exhibit B

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 8
List Maintenance

August 2024

8. List Maintenance

REFERENCE	ADDITIONAL RESOURCES
ELECT's Annual List Maintenance Reports	*EAC Fact Sheet: List Maintenance and NVRA*

8.1 CHAPTER ORGANIZATION

Federal law (the National Voter Registration Act, hereafter "NVRA") requires each state to have a program that makes a reasonable effort to remove the names of ineligible voters from the official list of registered voters.[1] Virginia meets this requirement in part through the Code of Virginia §24.2-427, which requires the general registrar to cancel registrations under certain conditions.[2] These processes are called list maintenance.

This chapter seeks to equip elections officials with the background, law, and practical "how-to" to follow list maintenance practices that comply with federal and state laws. §8.1 defines maintenance and list data sources such as the Department of Motor Vehicles and Central Criminal Records Exchange which ELECT is required to provide general registrars. §8.2 shows the federal law underpinning Virginia's VERIS list maintenance system and introduces the topics of §8.3 and §8.4, the cancellation and confirmation programs.

8.1.1 Definition of List Maintenance

List maintenance is the process by which elections officials retain accurate and current lists of registered voters. The basic framework for list maintenance is set forth in Article 5 of Chapter 4 of Title 24.2.[3] These provisions implement the NVRA.[4]

The Department of Elections must promptly provide, and general registrars must act upon within **30 days**, information regarding list maintenance (deceased, moved outside locality of residence, felony conviction, adjudication of incapacity, declared noncitizen who has not timely affirmed U.S. citizenship, other disqualification provided by law).[5]

8.1.2 ELECT Information Exchange

The Department of Elections must receive, review, and provide to registrars the following information:

- A monthly list of all persons convicted of a felony during the preceding month and a comprehensive annual list of all persons ever convicted of a felony from Virginia's Central Criminal Records Exchange (CCRE);[6]
- a weekly list of all persons 17 years of age or older who have died in the Commonwealth from the Virginia Department of Health;[7]

---

[1] *See the "National Voter Registration Act"* 52 USC §20507(a)(4).
[2] *See the Code of Virginia* §24.2-427.
[3] *See the Code of Virginia* §24.2-427 *et seq.*
[4] *NVRA,* 52 USC §20501 *et seq.*
[5] *See the Code of Virginia* §24.2-404(A)(4).
[6] *See the Code of Virginia* §24.2-409.
[7] *See the Code of Virginia* §24.2-408.

- duplicate registrations identified from comparing other states' registration and voting information with annual reporting[8] to the General Assembly which can be found online at Voter List Maintenace Report webpage.
- information exchanges with other state election officials.[9]

8.1.3 Restoration of Rights

Registrars also have increased responsibilities to detect and remove felons and determine restoration of rights. The Code of Virginia §24.2-427 requires general registrars to conduct a pre-election review "within 21 to 14 days before any primary or general election".[10]

8.2 FEDERAL AND STATE LAWS GOVERNING LIST MAINTENANCE

8.2.1 National Voter Registration Act ("NVRA")

NVRA mandates that each state develops and maintains programs to ensure accurate and current voter registration rolls. These list maintenance programs are required to be **uniform, nondiscriminatory and in compliance with the Voting Rights Act**.[11] NVRA does not permit a list maintenance system to remove the name of a voter from the list because of failure to vote, to prohibit selective or discriminatory voter removal practices. NVRA divides the required list maintenance programs into two major areas: cancellations and confirmations.

8.2.2 VERIS List Maintenance: Confirmation and Cancellation

As per the Code of Virginia §24.2-404(1), list maintenance programs requirements of NVRA are managed through the Virginia Election and Registration Information System ("VERIS").[12] Through VERIS, it is possible to add or cancel registrants, maintain records of "Active" and "Inactive" voters, generate reports of transactions and activity, track the origin of registration applications, maintain records of confirmation mailings, and interface with other State agencies.[13]

---

[8] *See* LIS Reports to the General Assembly, required as per the Code of Virginia §24.2-404 (F), report pending.
[9] *See* Code of Virginia §24.2-404.4.
[10] *See* Code of Virginia §24.2-427.
[11] *See* Voting Rights Act of 1965, 51 U.S.C. §10101 et seq.
[12] *See* Code of Virginia §24.2-404.
[13] *See* *GREB* Chapter 9 (Records Access and Retention) (providing details on what records are available for public inspection and copying).

❓ Frequently Asked Questions about the NVRA

Can the public request copies of voter registration applications? Yes. While elections records in VERIS are exempt from the Freedom of Information Act as per §24.2-404 (B), the National Voter Registration Act (NVRA) requires each general registrar's office to provide copies of voter registration applications submitted after July 20, 2011, and other documents relating to voter registration maintenance activities, including copies of correspondence to voters including denial letters if available. **Social security numbers and day as well as month of birth must be completely redacted before providing these applications for inspection.**

Can any member of the public request records? A request for voter registration applications invokes the NVRA, federal law which requires the provision of voter registration applications to any requestor, regardless of whether the requestor is a state resident. Regarding other records, general registrars are only obligated to provide records under the Virginia Freedom of Information Act to residents of the Commonwealth.

Under the NVRA, what are the circumstances under which Virginia can remove a person's name from the voter registration rolls? Section 8 permits States to remove the name of a person from the voter registration rolls upon the request of the registrant and, as Virginia law provides, for mental incapacity or criminal conviction. The Act also requires States to conduct a general list maintenance program that makes a reasonable effort to remove ineligible persons from the voter rolls by reason of the person's death, or a change in the residence of the registrant outside of the jurisdiction.

What is "removal at the request of the registrant"? A removal at the request of the registrant under the NVRA involves first-hand information from a registrant that can originate in at least 3 ways: 1) a registrant requesting to remove his or her name from the voting registration list, 2) a registrant completing and returning a notice card indicating an address change outside the jurisdiction, or 3) a registrant submitting a new application registering to vote a second time in a new jurisdiction, and providing information regarding the registrant's prior voter registration address on the new application, which the State can use as a request to cancel or transfer his or her prior registration. **A registrant advising of a new address within the same jurisdiction or registering to vote a second time at a new address within the same jurisdiction, should trigger an updating of the original registration, rather than its cancellation.**

8.2.2.1   Voter Confirmation Program

NVRA requires each state to conduct "regular periodic reviews", which are maintenance programs to identify voters who may have moved from their address of registration.[14] The Code of Virginia §24.2-428 implements NVRA by requiring an annual systematic review of the voter registration records to identify voters who may have moved without notifying the general registrar.[15] This review will not immediately cancel a voter from the registration rolls, but does initiate the process for confirming residence addresses.

8.2.2.2   Voter Cancellation Program

Under the Code of Virginia §24.2-428, if a response to the "Confirmation Notice" is not received "in thirty days after it is sent to the voter, the registered voter's name shall be placed on inactive status".[16] This applies to registrants that were either identified by the general registrar, processed from data received from DMV, or identified through the National Change of Address (NCOA) match as having moved within or outside their locality of registration. [17]

Voters on "Inactive" status in VERIS can be returned to "Active" status by a voter-initiated action. Actions such as change of address, re-registration, or voting in an election can reactivate the voter.

Voters who fail to respond to an address confirmation request and fail to take any voter-initiated action for **two federal elections** will have their voter registration cancelled in the NVRA cancellation program. This cancellation function is **automated in VERIS** and occurs *after* **each November federal election**.

Pursuant to §24.2-703.1(D), "A voter shall be removed from the permanent absentee voter list if… the voter's registration is placed on inactive status pursuant to § 24.2-428 or 24.2-428.1."[18] VERIS does not automatically cancel or expire a voter's Permanent AB application when the voter's registration is inactivated due to non-response to NCOA mailings. Voters on the Permanent Absentee List whose registration status is set to "Inactive" due to non-response to NCOA mailings will need to have their Permanent AB applications manually cancelled by the locality that approved their Permanent AB application.

---

[14] *See* 52 USC §20507(a)(4)(B).
[15] *See* Code of Virginia §24.2-428.
[16] *Id.*
[17] See 52 USC §20507(d)(2)(A)
[18] *See* Code of Virginia §24.2-703.1(D).

VERIS

Follow these steps to cancel or expire Permanent AB applications of voters inactivated due to non-response of NCOA mailings:

1. Open the attached spreadsheet.
2. Filter the list to show only your locality.
3. For each voter on the list in your locality:
   a. Search for the voter from the Absentee Search in VERIS.
      i. Click the pencil icon beside the unexpired, approved Permanent AB application on the Absentee History page.
         1. If you do not have the pencil icon, it may indicate that another locality approved the application. If so, contact the locality or submit a Jira ticket to have the application expired.
      ii. Cancel or expire the application.
         1. To cancel the application, change the Application Status to "Cancelled or Duplicate".
         2. To expire the application, change the Expiration Date to the date the Voter Registration records were inactivated for NCOA.
      iii. Change the status reason to "Expired or Cancelled due to Inactivated Voter Registration for NCOA Mailing Non-Response".
      iv. Click "Save".
4. Once all applications in the list for your locality have been cancelled or expired, notify your ERS Specialist by email.

8.2.2.3   NVRA-Mandated Records Access

Lists of voters whose registration have been cancelled under this program are available for public inspection and copying.[19] The general registrar must post the list at the courthouse, or have it published in a newspaper of general circulation, in the general registrar's community.[20] The general registrar must provide a certified copy of the list to the chairman of each political party in the locality. An electoral board may approve accepting a registrar's electronic read email receipt as equivalent to a certificate of mailing to the party chair required by Virginia law.[21]

---

[19] See 52 U.S.C. §20507(i). See Code of Virginia §24.2-444(A).
[20] See Code of Virginia §24.2-429.
[21] Id.

8.3   CANCELLATION PROGRAM

8.3.1   Deceased Voters

The name of a person who is known to be deceased must be removed from the voter registration rolls.[22] In order to *know* that a voter is deceased for purposes of cancellation, local registrars should receive reliable information that provides certainty of the death. There are many sources that provide such information, including:

- Confirmation of death by deceased voter's family or estate (Requires the ELECT 427B Form)[23]
- Confirmation of death by registrar or deputy registrar who personally knows the deceased voter (Requires the ELECT 427B Form)
- Records from the State Registrar of Vital Records processed through the hopper.
- Records from local health officials
- A death certificate.
- An obituary posted in a newspaper distributed within the locality or on a website of a licensed funeral home (Requires the registrar or deputy to complete the ELECT 427B Form)
- NAPHSIS requests submitted to ELECT via JIRA Ticket

The Code of Virginia §24.2-404.3 requires ELECT to compare the voter lists with records belonging to the Bureau of Vital Statistics and the Social Security Administration (SSA). The Department of Elections complies with the requirement to match the SSA death list annually by October 1.[24] Additionally, the State Registrar of Vital Records is required to transmit a *weekly* list of all persons 17 years of age or older, who have died in the Commonwealth, electronically to the Department of Elections for list maintenance purposes.[25] The VERIS "Hopper" and "Agency Updates" screens will reflect this information and the following steps should be taken for processing:

---

[22] *See* 52 USC §20507 (a)(4)(A). *See* Code of Virginia §24.2-427(B).
[23] *See* ELECT-427 Registration Report of Death of Registered Voter.
[24] *See* Code of Virginia §24.2-404.3.
[25] See Code of Virginia §24.2-408.

VERIS

Once the identity of a deceased individual has been matched with the information of the registered voter, cancel the voter registration using the VERIS "Hopper" or the "Change Status" screens. On the "Change Status" screen, select "Deceased" for the NVRA reason and place important supporting information in the "Comment" section.

- Mark the back of the application in the box provided for deceased. Include the date of death, date of deletion, and the source of the information.

- If a box is not provided, record the information on the lower right corner of the back of the application.

- Attach appropriate documentation to the back of the application or keep the documentation in a separate file. Scan documentation and attach to VERIS record.

- File the application form in the Deleted file.

- Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.

VERIS will generate a cancellation letter expressing condolences to "The Family of" the deceased former voter. Consideration should be given to timing the mailing of the notification to allow time for grieving (about 10 days following a published death notice is appropriate). Notice of the cancellation must also be provided by email if one was provided.[26]

8.3.2   Felony Conviction

The name of a person who has been convicted of a felony must be removed from the official list of registered voters.[27] General registrars have three basic responsibilities regarding felony convictions:

1. Remove names when felony information in VERIS is updated once a month and annually.
2. Review the official list of registered voters based on current information "21 to 14 days" before primary and general elections.[28]
3. Deny registration to new applicants with felony convictions for which rights have not been restored for their most recent felony

---

[26] See Code of Virginia §24.2-427(B)
[27] See 52 USC §20507(a)(3)(B). See Code of Virginia §24.2-427(B).
[28] See Code of Virginia §24.2-427.

If a voter that previously had their rights restored commits a new felony, the individual must have their voter registration cancelled.[29]

VERIS

Pursuant to §24.2-409, each month VERIS receives updated electronic files reporting felony convictions from the Virginia State Police CCRE (Central Criminal Records Exchange). In addition, reports of felony convictions by United States District Courts are entered into VERIS, pursuant to §24.2-409.1. GRs may review citizens who have had their rights restored by the Governor by visiting: https://commonwealth.virginia.gov/judicial-system/restoration-of-rights/. The VERIS "Hopper" and "Felon Search" screens will reflect the new information. Take the following steps:

- Process all Felony Conviction potential matches through the "Hopper."
- Determine if a registered voter matches the Felony Conviction information. If so, approve the match to cancel the voter's registration. Individual voters may also be cancelled through the "Change Status" screen. On the "Change Status" screen, select "Felon" for the NVRA reason and place important supporting information in the "Comment" section.

Non-VERIS Steps for Hard-Copy Applications
- Mark the box provided for "Convicted of Felony" on the back of the application. Include the date of conviction, and the State Police SID number.
- If a box is not provided, record the information on the lower right corner on the back of the application.
- Attach appropriate documentation to the back of the application or keep the documentation in a separate file. Scan the documentation and attach to the VERIS record.
- File the application in the "Deleted" file.
- Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.
- Mail the notice generated by VERIS stating the reason for removal and any comments entered when processing the cancellation. Include an Application and Instructions for Restoration of Civil Rights Form. Notice of the cancellation must also be provided by email if one was provided.

---

[29] Id.

> **Best Practice**
> We suggest considering the following when processing felony conviction data:
>
> • The information concerning a felony conviction is not always accurate. Most errors can be accounted for by administrative error, wrongful felony convictions, identity theft, or felony charges that should have been reduced to misdemeanors.
> • Individuals have the right to challenge the record; the Virginia State Police (804-674-2000) provides information on the procedures to challenge the record.
> • You can request a criminal history search by filing a Criminal Record Name Search (Form SP-167) with the Virginia State Police. The fee for filing this request is $15.00.
> • The Department of Elections will research to confirm accuracy of the conviction information upon request from the general registrar.
> • Once an error has been corrected through State Police procedures, the individual will receive notification of the correction from the State Police or appropriate authority. Any person who wishes to be reinstated must provide this documentation to the general registrar.
>
> **Please note that** persons convicted in other states or under federal law may have their rights restored by "other appropriate authority" determined by the law of the convicting jurisdiction. Other state laws may provide for restoration through much simpler or even automatic processes. Thus, a citizen moving to Virginia whose rights have been restored in the convicting state may register to vote in Virginia indicating restored felon status on the Virginia voter registration application.

8.3.3   Adjudicated Incapacitated

The name of a person who has been adjudicated incapacitated by a court must be removed from the lists of eligible registered voters <u>unless</u> the court order specifically provides voting rights.[30]

Adjudications for Incapacity can only be ordered by a Circuit Court which may recognize an order from another state. **Simple commitment to an institution for treatment does not constitute an adjudication of mental incompetence or incapacity.** The Circuit Court Clerks are required to send to Department of Elections monthly reports of all persons adjudicated incapacitated.[31] This required reporting may involve persons in other states and countries under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.[32]

---

[30] See 52 USC §20507(a)(3)(B). See Code of Virginia §24.2-427(B); §64.2-2000.
[31] See Code of Virginia §24.2-410.
[32] See Code of Virginia §64.2-2001 et seq.

> **Best Practice:** The Department of Elections is responsible for entering relevant data into VERIS. In rare cases, the circuit clerk may forward these reports directly to your office. Please be sure to forward the reports to the Department of Elections and notify the clerk's office that the reports should be delivered to the Department of Elections. The Code of Virginia permits the Commissioner and Deputy Commissioner to determine the manner of reporting which may be electronic.

VERIS

The VERIS "Hopper" and "Mentally Incapacitated" screens will reflect the information entered by ELECT.   The following steps should be taken:

- Process all potential matches through the "Hopper" that appear for the locality. The general registrar must determine if a registered voter matches the adjudication information. If so, approve the match to cancel the voter's registration. Individual voters may also be cancelled through the "Change Status" screen. On the "Change Status" screen, select "Mentally Incapacitated" as the NVRA reason and place important supporting information in the "Comment" section.

Non-VERIS Steps for Hard-Copy Applications
- Mark the box provided for "Adjudicated Incapacitated" on the back of the application. Include the date of the adjudication and the Circuit Court case number.
- If a box is not provided, record the information on the lower right corner on the back of the application.
- Attach appropriate documentation to the back of the application or keep the documentation in a separate file.
- File the application in the Deleted file.
- Retain and destroy application and attached documentation in compliance with the GS-1 Records Retention and Disposition Schedule.
- Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation. Notice of the cancellation must also be provided by email if one was provided.[1]

A legal representative of a person under an adjudication of incapacity may petition the circuit court to make provision for voting rights. If the order is silent regarding voting rights, the person is disqualified from voting.

8.3.4   Personal Request

Anyone who wishes to cancel their voter registration for personal reasons may submit a signed written request either by mail, fax, or in person.[33] Within 10 days of receiving a notice of cancellation, the general registrar must send correspondence confirming the voter's removal. The following steps should be taken:

- Process a "Personal Request" cancellation using the VERIS "Change Status" screen. Select "Per Choice" as the reason to cancel the voter. Place important supporting information in the "Comment" section. Cancelling a voter's record through VERIS will automatically generate the required correspondence, which must be sent within ten (10) days of receipt of the request for cancellation. Notice of the cancellation must also be provided by email if one was provided.[34]

> **Law Note**
>
> To cancel registration during the twenty-two (22) days before an election, the voter must make the request in person at the registrar's office or submit a written notarized request.[35] Voters who mail a personal request cancellation notice during the twenty-two (22) days before an election may not be cancelled for that election unless the mailed request is notarized.[36] The Code of Virginia §24.2-427(A) states that "Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar." Cancel "at least 22 days prior to an election in order to be valid in that election." The general registrar shall acknowledge receipt of the authorization and advise the voter ... that his registration has been canceled within 10 days of receipt of such authorization.

Non-VERIS Steps for Hard-Copy Applications
- Mark the box provided for "Personal Request" on the back of the application.
- If a box is not provided, record the information in the lower right corner on the back of the application.
- Scan the documentation and attach it to the cancelled VERIS record.
- Attach the documentation for the removal to the back of the application form or keep this information in a separate file.
- File the application in the Deleted file.
- Retain and destroy application and attached documentation in compliance with the GS-1 Records Retention and Disposition Schedule.
- Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation.

---

[33] See 52 USC §20507(d)(1)(A). See also Code of Virginia §24.2-427(A).
[34] See Code of Virginia §24.2-427(B).
[35] See Code of Virginia §24.2-427.
[36] Id.

8.3.5 Error

A general registrar on occasion may need to cancel voter registrations in VERIS to correct administrative error. Administrative corrections that do not actually cancel a voter do not require notice. When making corrections, please note the following types of cancellations:

- If, after approving registration, the general registrar discovers evidence of ineligibility such as omission of citizenship or a felony conviction without restoration and, if confirmation of registration has not been sent, the registrar may cancel a voter and re-enter the information correctly using the following steps:

  o Delete the voter using the VERIS "Change Status" screen. Select cancel for the reason of "Registrar Error," or "Ineligible." Important supporting information can be entered in the "Comment" section.
  o Re-enter the voter's information into VERIS and deny for the appropriate reason. This action will automatically generate the required correspondence to be sent to the voter listing the reason(s) for the denial. Delete any generated correspondence regarding an approval created in error.

Non-VERIS Steps for Hard-Copy Applications
  o Mark the box provided for "Denied" on the back of the application.
  o If a box is not provided, record the information on the lower right corner on the back of the application.
  o Scan the documentation and attach to the denied VERIS record.
  o Attach the documentation for the removal to the back of the application form or keep this information in a separate file.
  o File the application in the "Denied" file.
  o Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.
  o Mail the notice of denial generated by VERIS, stating the reason(s) for removal and any comments entered when processing the cancellation/denial.

- If, after approving the registration and mailing correspondence confirming registration, the general registrar discovers evidence of ineligibility such as a felony without restoration, then the regular cancellation process under §24.2-427 must be followed. This requires the general registrar to mail notice of cancellation and the right of appeal to the voter. Follow these steps:

  o Remove the voter using the VERIS "Change Status" screen. Select "Registrar Error," or "Ineligible" as the reason to cancel the voter. Important supporting information can be entered in the "Comment" section.
  o Notate the back of the application "Error Deleted."
  o File the application in the "Deleted" file.
  o Scan the documentation and attach to the cancelled VERIS record.
  o Attach appropriate documentation to the back of the application or keep the documentation in a separate file.

- o   Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.
- o   Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation.
- o   Notice of the cancellation must also be provided by email if one was provided.[37]

- If, after approving the registration and mailing the confirmation correspondence, the general registrar discovers information warranting inquiry as to residence, then the general registrar may request an address confirmation mailing or initiate the hearing procedure.[38] Cancellation by the general registrar after a hearing is appealable to the circuit court.[39] The general registrar's refusal to cancel can also be appealed by any qualified voter of the locality.

> **Law Note**
> "Any person whose registration was cancelled in accordance with the decision of the general registrar pursuant to §24.2-429, shall have the right of appeal, as provided in §24.2-422, to the circuit court of the county or city in which he offers to register. Any qualified voter of the county or city shall have the same right of appeal from the decision of the general registrar refusing to cancel the registration of any person alleged to be improperly registered." The Code of Virginia §24.2-430.

8.3.6   Voter Now Registered in Another State

Voter registration in Virginia must be cancelled when the general registrar receives a notice signed by the voter or from a voter registration official of another state that the voter has registered in that other state.[40] These notices require the following actions:

- Process all Out-of-State cancellations on the "Change Status" screen. Select the "Out of State" box and place important supporting information in the "Comment" section.

Non-VERIS Steps for Hard-Copy Applications
- Notate the back of the application out-of-state.
- Scan relevant documentation and attach to cancelled VERIS record.
- Attach appropriate documentation to the back of the application or keep the documentation in a separate file.
- File the application in the "Deleted" file.
- Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.

---

[37] See Code of Virginia §24.2-427(B).
[38] See Code of Virginia §24.2-429.
[39] See Code of Virginia §24.2-430.
[40] See 52 USC §20507(a)(4); See Code of Virginia §24.2-427 (B).

- Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation. Notice of the cancellation must also be provided by email if one was provided.[41]

8.3.7 Non-Citizen

Each month the Department of Motor Vehicles (DMV) is required to furnish to Department of Elections a complete list of all persons who have indicated that they are not a United States citizen to DMV.[42] The Department of Elections will transmit that information to the appropriate general registrar. When notification is received, the following steps should be taken.[43]

- The general registrar is required to mail a notice of pending cancellation to each registered voter identified by DMV as a non-citizen. The voter is given 14 days from the date the notice was mailed to return a signed statement affirming citizenship.
- If the notice is returned as complete and affirmed, mark the voter as affirmed in VERIS and scan and attach the Affirmation to the voter's VERIS record.
- VERIS will automatically cancel the registration of any voter who does not respond to the notice within 21 days.
- Non-citizen cancellations are processed through the "Hopper." Determine if a registered voter matches the non-citizen information provided by the Department of Elections. If so, use "Cancel Voter" to approve the match and cancel the voter's registration. Individual voters may also be cancelled through the "Change Status" screen. On the "Change Status" screen, select "Declared Non-Citizen" for the reason and place important supporting information in the "Comment" section.

Non-VERIS Steps for Hard-Copy Applications
- Notate the reason for the cancellation on the back of the application.
- Scan and attach documentation to cancelled VERIS record.
- Attach appropriate documentation to the back of the application or keep the documentation in a separate file.
- Retain and destroy the application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.
- Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation. Notice of the cancellation must also be provided by email if one was provided.[44]

---

[41] See Code of Virginia §24.2-427(B).
[42] *See Code of Virginia* §24.2-410.1 (B).
[43] *See Code of Virginia* §24.2-427 (B)(1).
[44] See Code of Virginia §24.2-427(B).

8.4   CONFIRMATION PROGRAM

8.4.1   Why Request Confirmation

Several factors can trigger the requirement to request a voter confirm his or her registration. These are discussed below and include the U.S. Postal Service's "National Change of Address" program analysis, a notification of out of state activity reported by the Department of Motor Vehicles, or a discrepancy noted in a voter address.

Please note that cancellation may incidentally result from this process if the voter fails to respond to a confirmation request or take other specified action for two general federal elections.[45]

Cancellations under any list maintenance program must be made no later than 90 days before the date of the next federal primary or general election.[46]

8.4.1.1   U.S. Postal Service's "National Change of Address"

Many states, including Virginia, use the U.S. Postal Service's National Change of Address ("NCOA") program to systematically analyze their voter registration records.[47] At least once a year, the Department of Elections uses the information in the NCOA database registry to match the voter registration addresses of all "Active" registrants in VERIS with USPS addresses. Any voter whose residence address listed in VERIS does not match the address listed with USPS is scheduled to be sent by "forwardable" mail a "Confirmation Notice" to confirm his/her residence address information.

8.4.1.2   DMV Notification of Out-of-State

Several other activities provide reasons to request a confirmation notice be sent to a voter in addition to the NCOA postal match confirmation process. One such reason is notification that the voter has relocated.

Each month VERIS receives an updated electronic file from DMV of persons who have surrendered their Virginia driver's license indicating relocation to another state. VERIS will automatically search for any potential matches of registered voters in the electronic file from DMV. The potential matches will appear in the VERIS "Hopper" for the locality. After reviewing the record, the general registrar may select the record that is a match. This will initiate a request for a "Confirmation Notice" to be sent to the voter.

8.4.1.3   Address Discrepancy

Another reason to request confirmation of a voter's address is the indication of an address discrepancy. General registrars can request a confirmation notice be sent to a registrant based upon reliable information indicating that the registrant has moved. This includes official mail returned as undeliverable or an address on a candidate petition that differs from the address of voter registration. The general registrar may also request a confirmation but should do so only if information warranting inquiry as to residence is discovered.

---

[45] *See* Code of Virginia §24.2-428.2.
[46] *See* 52 USC §20507(C)(2)(A).
[47] *See* Code of Virginia §24.2-428 (defining Virginia's procedures).

Frequently Asked Questions

? *What if the USPS NCOA information shows that the voter **moved within the same locality?*** Registrars should mark the voter record for confirmation.

*What if the USPS NCOA data shows that the voter **moved within the Commonwealth but different locality?*** The general registrar should forward that information to the general registrar of that locality and the voter record should be marked for confirmation.

8.4.2   ELECT's Confirmation Mailing

The Department of Elections initiates an annual "Confirmation Mailing" using the information in VERIS from the NCOA postal match and general registrar confirmation requests.[48] The steps of the "Confirmation Mailing" process are as follows:

- The program provides a data file for each identified registrant whose address does not match the United States Postal Service address.
- The data file is imported into VERIS, and "Confirmation Mailing" is recorded in the registrant's record. The data file is sent to the mail vendor. (The data file will also include registrants who were marked for confirmation mailing by the general registrar). The mail vendor prepares and mails the Confirmation Notice to registrants.
- The Confirmation Notice contains a return, postage paid card and instructions for completing the card. The notices are sent by forwarded mail and must provide the voter an opportunity to confirm or change their information.
- When Confirmation Notices are received, the information is recorded in VERIS. This data is then utilized by the general registrar for various purposes, such as updating a voter's address, transferring the voter's details to a different locality within Virginia, deregistering a voter who has relocated outside of Virginia, or performing any essential actions to keep the registration list up to date. Confirmation programs are available for public inspection and copying.[49] Registrars can request reports by accessing the VERIS Reports Library.[50]

8.4.3   VERIS: How to Obtain List of Voters Whose Record was Cancelled

To obtain the listing of all voters whose record was cancelled, select the Cancelled–Other report from the VERIS Reports Library. You should use a date range to identify voters cancelled during a certain time frame such as 1/15/15 – 1/19/15. VERIS will generate a report containing public information authorized in §24.2-444.[51] You should print four (4) copies of this report for distribution as follows:

---

[48] See 52 USC §20507(c)(B).
[49] See Code of Virginia §24.2-444(B).
[50] See Chapter 9 Records Access and Retention for details on records available for public inspection.
[51] See Code of Virginia §24.2-444.

- One (1) copy must be posted at the courthouse or published in a newspaper of general circulation in your locality.
- Two (2) copies must be certified by you and delivered or mailed, obtaining a certificate of mailing, to the chair of each political party in your locality; and
- One (1) copy is for your records and available for public inspection and copying under Va. Code §24.2-444(B).[52]

> **Law Note**
> "The Department shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name, address, year of birth, gender, and all election districts applicable to each registered voter. The lists shall be opened to public inspection at the office of the general registrar when the office is open for business. ... The Department shall provide to each general registrar lists of persons denied registration for public inspection. Such lists may be provided electronically through the Virginia voter registration system and produced in whole or in part upon a request for public inspection."[53]

8.4.4   Return of Registered Voter to Active Status

Pursuant to the Code of Virginia §24.2-428.2, general registrars return to active status registered voters who were placed on inactive status if the voter "notifies the general registrar of a change of address", "responds to a confirmation notice with information that the voter continues to reside at the registration address", "votes or attempts to vote" in a primary, special or general election or "transfers his registration to another county or city within the Commonwealth".[54]

8.4.5   Cancellation/Removal Due to Inactivity

ELECT runs list maintenance processes to identify voters whose registration should be cancelled under the Code of Virginia §24.2-428.2: "If the registered voter fails to take such action on or before the day of the second general election for federal office after the voter was placed on inactive status, the general registrar shall cancel the person's voter registration."[55] ELECT's process cancels the voter registration record of those voters whose registration record has been in an "Inactive" status for two (2) successive general elections for federal office.

8.5   NATIONWIDE INFORMATION EXCHANGES

When a voter moves out of state and registers to vote in their new state, the voter should indicate to the new state that they were previously registered in Virginia. The new state should then notify Virginia that the voter wants to cancel their Virginia voter registration. The Code of Virginia §24.2-404.4 requires ELECT to attempt to establish a data sharing relationship with the neighboring states to maintain the accuracy of the voter registration list.[56] For a comprehensive

---

[52] *Id.*
[53] *Id.*
[54] See Code of Virginia §24.2-428.2.
[55] See Code of Virginia §24.2-428.2.
[56] See Code of Virginia §24.2-404.4.

overview of ELECT's list maintenance practices, please visit the website and review the yearly list maintenance reports found here. [57]

---

[57] *See* Department of Elections website, Voter Registration and List Maintenance, https://www.elections.virginia.gov/resultsreports/maintenance-reports/